

Dirassat & Abhath
The Arabic Journal of Human
and Social Sciences



مجلة دراسات وأبحاث
المجلة العربية في العلوم الإنسانية
والاجتماعية

EISSN: 2253-0363
ISSN : 1112-9751

**The Hisba System in the Islamic World between Originality and Borrowing,
and Its Influence on Islamic and European Societies**

نظام الحسبة في العالم الإسلامي بين الأصالة والاقتباس وتأثيراته
على المجتمعات الإسلامية والأوروبية

Dr. Merouane Bouzekri

MCA, Cherif Bouchoucha University Centre, Aflou, Algeria

د/ مروان بوزكري

أستاذ محاضر قسم "أ"، المركز الجامعي الشريف بوشوشة - أفلو، الجزائر

m.bouzekri@cu-aflou.edu.dz

تاريخ النشر: 2026/10/15

تاريخ القبول: 2026/09/18

تاريخ الاستلام: 2026/06/26

Abstract:

This study analyses the concept of *hisba* in the Islamic world by examining a range of texts written by different authors to determine if the institution was original to Islamic civilization. It also considers the positions of leading Muslim scholars, among them *al-Mawardi*, *al-Ghazali*, *Ibn Khaldun*, and *Ibn Taymiyyah*, this explains how the institution developed and what role it played in Muslim societies. The significance of the study lies in clarifying how Islamic society benefited from the *hisba* system and how far it shaped European societies that came into contact with the Islamic world, in times of peace or war.

Keywords: *hisba*; al muhtasib; al-Mawardi; Christian world; Islamic world.

المخلص:

تهدف هذه الدراسة إلى تحليل مفهوم الحسبة في العالم الإسلامي، من خلال استعراض مجموعة من النصوص لمؤلفين مختلفين، بهدف التحقق من أصالتها أو مدى تأثيرها بأنظمة أخرى. كما تسلط الضوء على آراء كبار العلماء المسلمين، مثل الماوردي، والغزالي، وابن خلدون، وابن تيمية، مما يساهم في فهم تطور هذا النظام ودوره في المجتمعات الإسلامية. وتبرز أهمية الدراسة في توضيح مدى استفادة المجتمع الإسلامي من نظام الحسبة، ومدى تأثيره على المجتمعات الأوروبية التي احتكت بالعالم الإسلامي، سواء في فترات السلم أو الحرب.

الكلمات المفتاحية: الحسبة؛ العالم الإسلامي؛ المحتسب؛ الماوردي؛ العالم المسيحي.

1. INTRODUCTION

Few researchers dispute that the *hisba* system was one of the institutions produced by Islamic civilization and developed to meet the needs of Muslim society as it grew and spread eastward and westward. The institution played a central role in safeguarding religious and moral values within Muslim communities, helping to protect rights, morals, and gains achieved by the community. It rested on the principle of commanding good and forbidding wrong, which in time grew into an independent function with its own rules, foundations, and conditions. The system developed gradually from the time of the Prophet, peace be upon him, until it matured into a fully formed institution at the start of the Abbasid era, and it continued to evolve afterward in the Maghreb and al-Andalus. Although some researchers, orientalist in particular, have questioned the originality of this system, *hisba* remains a distinctly Islamic model in its principles and aims, one that stands apart from comparable institutions in other civilizations.

2. Conceptual Framework

A. In language: In Arabic lexicons, *hisba* is

the noun derived from the verb meaning to seek reward from God; one says, "I did it as *hisba*" or "I sought reward through it." *Ihtisab* means seeking reward, and the corresponding noun is *hisba*. A person is described as the muhtasib of a town. A hadith of the Prophet states that whoever fasts Ramadan out of faith and in seeking reward will have his past sins forgiven.

Lisan al-Arab notes that *ihtisab*, when applied to good deeds and to hardships alike, means hastening to seek and secure reward through submission and patience, or through performing acts of righteousness in the manner prescribed for them, in pursuit of the hoped-for recompense. This is reflected in a saying attributed to Umar: "O people, seek reward in your deeds, for whoever does so is credited both with the reward of the deed and the reward of seeking it."¹

According to a study by Dr. Muhammad Kamal al-Din Imam, the term *hisba* carries four main linguistic meanings.² The first meaning is seeking reward from God, as reflected in the hadith already mentioned about fasting Ramadan out of faith and in seeking reward. The second meaning is disapproval. One says, "he

disapproved of him” (ihtasaba alayhi), from which the term muhtasib derives. Al-Tirmidhi notes that this expression means rebuking someone for a wrongful act, as recorded in Ibn Sidah’s al-Muhkam. The third meaning is testing or probing, a usage noted by Ibn al-Sikkit, who observed that it was said women “assess” (yahtasibna) what men possess, meaning they test or appraise it. The fourth meaning is sound judgment and careful attention to a matter, or the act of counting or reckoning, as in calculating one’s wealth. Al-Asmu’i used the phrase “he shows good hisba in a matter” to mean that he manages it well.

Al-Raghib’s Mufradat defines hisba as any act performed in expectation of reward from God. Al-Qalqashandi, in Subh al-A’sha, cites al-Mawardi’s al-Ahkam al-Sultaniyya, which traces the word to the expression “hasbuka,” meaning “enough” or “stop,” the office having taken this name because it spares people the burden of those who would deny them their due. Al-Nahhas adds that, properly understood, the term denotes one who strives earnestly to secure the welfare and benefit of Muslims.

B. In the Sunna: The verb ihtasaba appears three times in the Quran, though there it carries the sense of “supposed” rather than its technical meaning. The technical sense, even where the word itself does not appear, is supported by more than one Quranic indication. In the Sunna, the term ihtisab appears explicitly, as in the hadith “whoever fasts Ramadan out of faith and in seeking reward,” meaning seeking God’s favor and recompense. Anyone who intends an act purely for God’s sake is said to perform it “ihtisaban.”³

C. In technical usage: In its technical sense, hisba is a religious and civil function, and among the best definitions of it are those offered by al-Mawardi and al-Farra, who both describe it as commanding good when it is visibly neglected and forbidding wrong when it is visibly committed. The institution thus rests on the foundational Quranic principle expressed in the verse: “Let there be among you a community calling to good,

commanding right, and forbidding wrong”⁴, and in the verse: “The believing men and believing women are allies of one another; they enjoin what is right and forbid what is wrong.”⁵

This Quranic principle was one of the essential foundations on which the Islamic state was built across its various domains, including the call to good, which could be carried out through speech, action, force, or even inward conviction, each means governed by its own rules. Islamic law sought to secure people’s welfare in this life alongside their guidance in the next, and for that reason it set out detailed regulations governing daily life, livelihood, housing, and civic affairs, aiming to guarantee comfort and security without discrimination.

The office of hisba was created to protect society, to guide its members toward what is right, and to prevent harm regardless of its source. In this sense, hisba can be seen as an embodiment of the Prophet’s saying, “there shall be no harming and no reciprocating of harm,” which rules out inflicting injury on others or responding to injury with injury in kind. In this way, Islamic law distilled the broader philosophy found across civilizations into a single just and comprehensive principle.⁶

3. The Scope of Hisba and Its Importance to the Islamic World

At its core, the hisba system rests on protecting what God has made inviolable, preserving individual dignity, maintaining public facilities, and strengthening social order. It also extends to supervising markets, craftsmen, and producers, to ensure that their work conforms to the rulings of Islamic law and meets accepted standards of quality, working where needed alongside relevant ministries and institutions.

Commanding good and forbidding wrong is not confined to any single domain or sphere; it extends to every concept and value brought by Islam. It covers the beliefs and principles on which Islamic doctrine rests, the moral standards that govern human relationships, and the laws, customs, and social arrangements that order communal

life. In other words, it amounts to a call to Islam as creed, method, and conduct alike, one that converts inward conviction into concrete action and turns that action into a settled, ongoing habit connected to the commands and prohibitions of the faith. Al-Qalqashandi captures this sense when he describes hisba as a lofty and dignified office whose business is to speak to right and wrong, to oversee livelihoods and trades, and to guide those who have strayed back toward sound conduct in their work and their lives, adding that the duties involved are too numerous to list in full and vary too widely in rank to be fully described.⁷

A careful look at the essence of hisba reveals its profound and positive effect on society. It reinforces virtuous values and forms a community's first line of defense, helping to build social cohesion by promoting good and resisting wrong through the practice of commanding right and forbidding evil. Hisba thus functions as the safety valve that preserves the cohesion and stability of Muslim society.

In the present age, the muhtasib's task in matters of belief has grown more demanding than in the past, owing to the spread of writings that present a distorted picture of Islam, its doctrine, its institutions, and its values, and to the broad openness that has allowed deviant ideas and mistaken beliefs to circulate widely. Hisba has correspondingly gained in importance in matters of worship, upbringing, and education, since the progress of societies is closely tied to the beliefs, they hold and the conduct that follows from them. Where upbringing is sound and upright, the effect on society as a whole is positive, and where it goes astray, society suffers, with the home, the school, and the wider community all bearing responsibility together.⁸

In the media sphere, the remarkable and rapid development of communication tools and information technology has had a direct effect on civilizational values. To the extent that these tools have contributed to the growth of those values, the same technological surge has also unsettled a

number of them, particularly in societies seeking to preserve their cultural and civilizational heritage, a description that applies in particular to the Arab and Islamic countries.⁹

Islam aims to build a secure and stable society marked by mutual affection and cooperation in righteousness and piety, enabling its members to fulfil their role as stewards of the earth and to achieve the essential purpose of their existence, which is the worship of God. Because human beings have a constant need for a system to guide their conduct and an authority to ensure it is upheld, the practice of commanding good and forbidding wrong arose to remind people of this duty and to confirm their commitment to it. Islamic history offers many examples that highlight the importance of the muhtasib, particularly in times of crisis and high prices. In the year 307 AH, prices in Baghdad rose so sharply that the common people rioted, breaking pulpits, halting prayers, and burning bridges. The muhtasib at the time, Ibrahim ibn Batha, responded by fixing the price of certain essential goods, setting the price of a measure of flour at fifty dinars, a step that helped calm the unrest among the population.¹⁰

4. The History of Hisba

In practice, the hisba system was not confined to any single nation; comparable arrangements existed across many peoples. Within the Islamic community, the beginnings of hisba, aimed at putting into practice the principle of commanding good and forbidding wrong, date to the earliest period of the Islamic message under the Prophet Muhammad, peace be upon him. From the outset he insisted that dealings among people rest on honesty, piety, and the rejection of fraud, and for this reason he would walk through the markets and exercise oversight over people's conduct there.¹¹

This concern showed itself on many occasions. Al-Tirmidhi reports that the Messenger of God passed by a pile of grain, put his hand into it, and found his fingers damp. He asked the owner what this meant, and the man explained that rain had reached

it. The Prophet asked why he had not placed the wet grain on top so that people could see it, then said: "whoever deceives is not one of us." Al-Tirmidhi rated this hadith as sound.¹² The practice of hisba continued under the rightly guided caliphs. The caliph Umar personally carried out the duties of muhtasib, commanding good, forbidding wrong, guiding people toward what was right, and warning against fraud. He would walk through the market carrying a staff, using it to check those who inflated prices and those who cheated.¹³

The system of oversight and hisba persisted throughout the periods of the rightly guided caliphs and the Umayyads, even though the title "muhtasib" itself only became established in the Abbasid era. Ziyad ibn Abihi was appointed as overseer of the market of Basra during the caliphate of Mu'awiya ibn Abi Sufyan.¹⁴ From the Abbasid period onward, the office of muhtasib took on a more defined shape and became widely recognized from the time of the Abbasid caliph Abu Ja'far al-Mansur. To ease the work of the muhtasibs and bring order to the city, al-Mansur relocated the markets of Baghdad and the eastern district to specialized areas removed from the city center and its administrative offices, moving them to Bab al-Karkh and Bab al-Sha'ir, and appointing muhtasibs to oversee their affairs and address violations there.¹⁵

Under the Abbasid caliphate, the office of muhtasib expanded from overseeing weights and measures, preventing hoarding, and commanding good and forbidding wrong, to supervising the cleanliness of markets and mosques, monitoring officials' performance of their duties, and even checking that the muezzin observed the proper prayer times. Rulers accordingly sought out muhtasibs distinguished by skill, learning, and firmness of character. It is recorded that Atabeg Tughtekin, the Seljuk ruler of Damascus, once asked for a muhtasib to be found for him, and a learned man was recommended and brought before him. On seeing him, the ruler said, "I am appointing you to oversee hisba over the people,

commanding good and forbidding wrong." The man replied, "if that is so, then rise from this silk cushion, remove this silk cover, and take off that gold ring, for the Prophet, peace be upon him, said that gold and silk are forbidden to the men of his community and permitted to its women." The ruler rose from his cushion at once, had the cover removed, and took off his ring, and from that time the people never saw a muhtasib more commanding than him.¹⁶

Muhtasibs in Islamic civilization paid close attention to anything that served the public good, and many works were written treating the subject in careful detail. Among the clearest signs of how refined the office became is the attention it paid to details that might seem trivial but in fact reflect a real concern for the highest standards of quality and cleanliness. Diya al-Din Ibn al-Ukhuwwa, who died in 729 AH, sets out in his discussion of hisba over bakers and millers a set of instructions with no earlier precedent. He insists on raising the roofs of bakery sheds and creating wide openings to let smoke escape, on regularly sweeping the firing chamber and cleaning the kneading troughs, on never using the feet or other body parts in kneading to avoid any contamination, on wearing clean, tight sleeved clothing while covering the mouth and nose, and on tying a white band around the forehead to keep sweat from falling into the dough. He also recommends shaving the hair on the arms and stationing someone beside the kneader with a fly whisk to keep insects away, all in the interest of keeping the dough clean and of good quality. These detailed instructions show how far the concept of hisba had developed in Islamic civilization and how committed it was to securing the highest standards of safety and hygiene across the many aspects of daily life.¹⁷

This system continued to develop until it became one of the defining features of the Islamic state, evolving further with the rise of political and administrative offices to become an established function of government.¹⁸ In the Islamic West, hisba appeared from the earliest days of the Islamic

conquests. The first conquerors, governors, and their agents practiced hisba as part of administering the affairs of the conquered lands, and even amid internal conflict the Ibadis exercised the function of ihtisab, as when Abu al-Khattab al-Ma'afiri moved swiftly to fight the forces of Abd al-Malik ibn Abi al-Ja'd al-Warfajumi when they openly committed wrongdoing.¹⁹

As a fully developed institution in its own right, hisba began to appear in the Maghreb in the year 156 AH,²⁰ under Yazid ibn Hatim, who worked to organize the markets of Kairouan. A system of oversight was imposed on merchants and craftsmen in the markets of the city,²¹ with a separate market assigned to each trade, following the same pattern already established in the cities of the Islamic East, such as Baghdad and Basra, and with a supervisor appointed for each trade to oversee its operation and protect the rights of workers. Interest in this office continued, as al-Maqqari notes, observing that practitioners of hisba had their own body of rules, which they passed down and studied much as scholars studied the rulings of jurisprudence.²²

Hisba persisted for a very long time in parts of the Maghreb, such as Tetouan, where the muhtasib's role remained confined to the market until government departments eventually took over its functions, making the office of muhtasib redundant. Al-Andalus knew the office from an early period as well, where the function was carried out by an official called the muhtasib, or "the man of the market," because his supervision extended to everything connected with the market, whether directly or indirectly. Al-Maqqari describes him in these terms: the office of hisba there was entrusted to people of learning and discernment, its holder carrying himself almost like a judge, customarily riding through the markets in person accompanied by his assistants, one of whom carried the standard scale used to weigh bread, since bread weights were fixed and known.²³ Notably, the muhtasib would sometimes use boys or girls to help uncover dishonest merchants, sending one of them to

make a purchase from a trader and then checking the weight himself. If he found it short, he would treat the merchant accordingly, and if the offense was repeated and the merchant failed to reform even after being punished and publicly shamed in the markets, he would be banished from the town.

Practitioners of hisba had, in al-Maqqari's words, their own established rules, which they exchanged and studied as jurists studied legal rulings, since these matters touched on every kind of transaction and extended into countless particulars too numerous to describe.²⁴

The office of muhtasib carried considerable weight under the Mamluks as well, particularly in times of plague, illness, and epidemic. Al-Maqrizi records that Cairo and the surrounding countryside were struck by a deadly epidemic in the year 822 AH, prompting the muhtasib to call on the people to fast for three days, ending on a Thursday, so that they might go out with the sultan to pray in the open country for the epidemic to be lifted. A further call went out for people to fast the following day as well, after which the number of deaths declined.²⁵

Another of the muhtasib's duties was to move through the streets in times of war and mobilization, calling on people to march out with the sultan or the princes to confront the enemy. The historian Ibn al-Adim, in *Bughyat al-Talab*, describes how mobilization was carried out in the city of Tarsus in northern Syria, noting that the muhtasib and his men would patrol every street, and that during the day large numbers of boys would join them, helping spread the call to arms, and that when the situation demanded it the muhtasib would also order the people of the markets to take part and urge them to march in the wake of the commanding prince, following wherever he went. Some historians regard hisba as a governmental institution that emerged specifically in the Abbasid period; al-Tabari records that in the year 146 AH, al-Mansur appointed Abu Zakariyya Yahya ibn Abd Allah to oversee hisba in the markets of

Baghdad, and that this appointment was renewed in the year 157 AH. Some have suggested that this kind of organization may already have existed under the Umayyads, though, as far as is known, this view rests on no solid evidence. What is certain is that hisba was organized as a formal governmental office under the Abbasids. Writers who have examined how this office was structured differ in their conclusions: some regard it as an administrative institution, while others view it as a system devised specifically to put the Islamic principle of commanding good and forbidding wrong into practice.²⁶

5. Hisba in Islamic History: Originality and Borrowing

A careful look at the historical and legal record of the muhtasib's work shows that hisba is a genuinely Islamic institution that began with the revelation of the legal texts commanding and encouraging the practice of enjoining good and forbidding wrong. The hisba system represents the supervisory apparatus that first emerged in Islamic history to raise the level of Muslim society in religious, civilizational, moral, administrative, educational, and public health terms. Its roots trace back to the age of prophecy, when the Prophet, peace be upon him, carried out the function himself, a practice continued by his successors until it became one of the foundational institutions of Muslim governance. It can therefore be said with considerable confidence that the concept of hisba, in its practical sense, began with the earliest formation of the Muslim community in Medina, when any Muslim had the right to practice hisba by commanding good and forbidding wrong.²⁷

The rightly guided caliphs followed the example of the Prophet Muhammad, peace be upon him. Umar ibn al-Khattab personally took on the role of muhtasib, going through the markets to check weights and measures and to follow the conduct of business there.²⁸ He is well known for having once struck a porter, telling him, "you have loaded your camel with more than it can bear." In addition, he appointed Abd Allah ibn Utba to

oversee the market of Medina, and entrusted supervision of certain markets to a woman of the Ansar named al-Shifa bint Abd Allah.²⁹ The Umayyad and Abbasid caliphs continued this practice in the interest of the public good, delegating hisba duties to judges and police officials.

As administration grew more complex, the Abbasid caliph al-Mahdi established a dedicated office to deal with heretics seeking to harm Muslim society.³⁰ The hisba system became an effective means of addressing social issues, and the person appointed to the post was chosen by the caliph, his vizier, or a judge. The institution spread throughout the Islamic world, in Baghdad, Egypt, Damascus, the Maghreb, and al-Andalus. Under the Fatimids, the scope of hisba widened further, with the muhtasib appointing deputies who circulated through the markets, supervising the quality of food, monitoring the movement of goods, and ensuring that water carriers met proper standards of cleanliness, all of which strengthened order and oversight over economic and social life.³¹

On the question central to this study, the originality of the Islamic hisba system, a range of studies and views can be considered to clarify the matter. Before turning to them, it is worth noting that human societies, wherever they have existed, have generally faced similar concerns that they sought to regulate, since these concerns arose from basic human needs. According to the study by the researcher Zafer al-Qasimi in his book on governance in Islamic law and history, hisba, whatever name it has carried, is an institution shaped by the demands of urban life and made necessary by the requirements of human association, and so represents a natural outcome of the development of human settlement.³²

That said, the differing views on this question deserve attention. One is the study by Munir al-Ajlani in his book on the genius of Islam in the foundations of governance. Its conclusion is that the region of Syria had been part of the Roman Empire, where an official known as the aedile performed work

resembling that of the muhtasib. On this basis, al-Ajlani concluded that Islamic hisba drew on Roman precedent, while at the same time noting clear differences between the office of aedile and hisba in spirit and method, and ultimately acknowledging that Islamic hisba opened up new dimensions of its own.³³

Nicola Ziadeh went further, asserting a Greek origin for Islamic hisba, writing that the office was one among dozens of minor municipal functions that continued unchanged in the cities, since the Arabs had nothing of their own to offer in its place. He further suggested that the Muslim authors al-Shayzari and al-Jawbari may have drawn on two Roman sources. In fact, however, a careful look at Islamic history shows that the Prophet, peace be upon him, appointed Sa'id ibn Sa'id ibn al-As to oversee the market of Mecca after its conquest, in the eighth year after the Hijra, at a time when there had been no contact whatsoever between the Muslims and their Byzantine neighbors. This alone is sufficient to show that Islamic hisba developed in response to the needs and requirements of Muslim society, without borrowing from anyone. The differences, moreover, run deep: what the Romans called the aedile was a civil official both in its origin and in its methods of work, whereas the Muslim muhtasib derived his function from a Quranic religious principle, namely commanding good and forbidding wrong.³⁴

Returning to the sources that discuss hisba, none of them defines or describes the institution in terms that depart from the original Islamic concept. Ibn Khaldun writes in the *Muqaddima* that hisba is a religious office concerned with commanding good and forbidding wrong, a duty incumbent on whoever governs the affairs of Muslims, who appoints to it whomever he judges fit, the appointee then taking on assistants and compelling people to observe matters of public welfare in the city, such as preventing obstruction of the roads, stopping porters and boatmen from overloading their cargo, and ordering the demolition of buildings at risk of collapse to remove any danger they might

pose to passersby, among other duties.³⁵ This, in brief, is hisba in Islam. What, then, did the orientalist Gustave von Grunebaum³⁶ say in his book on Islam in the medieval period? He compared hisba in Islam with the Byzantine Book of the Eparch and concluded in his study that hisba was not an Islamic institution but one borrowed from elsewhere.³⁷ Yet hisba existed as a recognized office in the time of the Prophet, peace be upon him, and continued openly and without dispute through the period of the rightly guided caliphs, even if in its early stages it remained somewhat limited in scope, before growing and developing further, particularly under the Abbasids and Fatimids.³⁸ By contrast, a number of orientalists worked hard in their writings to connect hisba with Byzantine civilization, relying on an account suggesting that when the Muslims conquered Roman territories, they found an official supervising the market and simply adopted this arrangement, with no precedent, plan, or principle of their own to draw on beforehand.³⁹ Among those who held this view were Nicola Ziadeh and Musa Lakhal, the former arguing that the Arabs had nothing to offer as an alternative, the latter holding that the institution of market oversight was an ancient one and that hisba was simply that same institution under another name.⁴⁰

What this line of argument implies is that Muslims, in practicing hisba, were not acting on a principle drawn from divine guidance, but were instead influenced by what they found in foreign lands and chose to retain because of its usefulness, later developing it into something they treated as Islamic, as though it were new to them and unmentioned in scripture or tradition, an account that overlooks the fact that the Prophet himself, peace be upon him, was the first to carry out the functions of hisba. It would have been more accurate to say that Muslims retained certain features of existing arrangements because they found them broadly compatible with their own conception of hisba. At the same time, some orientalists have rejected the claim that Islamic hisba was simply the Byzantine

office of market supervision under another name.⁴¹ Worth mentioning too is the view of the French orientalist M. Gaudetroy-Demombynes, who wrote that there could be no doubt that the muhtasib had indirectly inherited the office from his Byzantine counterpart.⁴² The orientalist Gustave von Grunebaum followed a similar line in his book *Medieval Islam*, drawing a comparison between hisba in Islam and the Byzantine Book of the Eparch, a comparison that implies Muslims borrowed hisba from the Byzantines and then sought to recast it in an Islamic form.⁴³

Other studies have likewise questioned the originality of hisba as an Islamic institution, among them the work of the researcher Munir al-Ajlani in his book on the genius of Islam in the foundations of governance, where he states that the region of Syria had been part of the Roman Empire and had an official known as the aedile, whose duties he describes as resembling those of the muhtasib. Al-Ajlani goes on to suggest that it is not impossible that the Umayyads retained the Roman official in his post for some time, much as they retained, for example, the tax official Ibn Sarjun, concluding that Syria knew hisba under Roman rule before knowing it again under Islamic rule, even though, in his view, the two offices differed considerably in spirit and method despite their similarities, and even though he conceded elsewhere that Islamic hisba opened up new horizons that had not occurred to the Roman official.⁴⁴

Nicola Ziadeh, in his book on hisba and the muhtasib in Islam, further argues that among the offices known to the Greek cities was one called the agoranomos, which he translates as “the man of the market.” This official supervised market affairs, verifying weights and measures, the quality of goods offered for sale, and the soundness of transactions. The Greeks established this office in the cities they founded, and the Romans and Byzantines retained and developed it further.⁴⁵

These various views range from cautious suggestion in al-Ajlani’s case to

outright assertion in Nicola Ziadeh’s, with general agreement among their proponents that the origin of hisba lies outside Islam, in Greek, Roman, or Byzantine precedent. A careful look at the Prophet’s own sayings and conduct, peace be upon him, and at what took place during the period of the rightly guided caliphate, does much to dispel these claims, as the following points show. Even granting the possibility of borrowing, it could only have occurred after the conquests and after Muslims had studied the conditions of the conquered lands, whereas the historical record, supported by the relevant evidence, establishes that hisba had already existed and been practiced among Muslims for years before that, from the time of the Prophet, peace be upon him, even if it had not yet taken the fully developed institutional form it would later assume under the Abbasids.

As for the matter of written works, Muslims began writing on the subject in the late second and early third centuries of the Hijra, drawing on what they had learned and derived from the Quran, the Hadith, and the practice of the rightly guided caliphs, whereas the Byzantine governor’s manual was written in the tenth century of the Christian era, corresponding to the fifth century of the Hijra, to regulate the affairs of craftsmen and merchants in Constantinople. This shows that the Byzantine work postdates Muslim writings on the subject by a full two centuries.⁴⁶

The Prophet, peace be upon him, appointed Sa’id ibn Sa’id ibn al-As to oversee the market of Mecca after its conquest, in the eighth year of the Hijra, at a time when there had been no contact between Muslims and their Byzantine neighbors, which is further sufficient evidence that Islamic hisba arose from the needs and requirements of Muslim society without being borrowed from anyone.

The differences also run deep between what was called the aedile, a civil official both in principle and in practice and in method of work, and the Muslim muhtasib, whose office derived from the Quranic religious principle of commanding good and forbidding wrong, as well as from the

principle of the lawful and the forbidden, both of which lie at the heart of Islamic belief, and which rested further on the idea of reward and punishment in this world and the next, leaving no real basis for comparison between the two.⁴⁷

The office of the man of the market, moreover, had a narrow scope, with duties confined strictly to the market, unlike hisba, which extended both inside and outside the marketplace. The man of the market, too, belonged to a secular legal framework, whereas hisba was a religious office, and where the office of the man of the market served the interests of the ruling elite, hisba served the aims of Islamic law and the public good.⁴⁸

The more accurate and more reasonable conclusion is that it was the Europeans who borrowed the hisba system from Muslims and then sought to adapt it to the needs of the modern state. The Crusaders in Jerusalem, for instance, reproduced the hisba system and kept its very name.⁴⁹ Levi Provençal likewise noted that the Spanish retained hisba in regions where Islamic rule receded after the Reconquista, and the Crusaders carried hisba arrangements back to their own lands despite already having their own office, known to them as the aedile or the agoranomos. The only explanation for this is that the Crusaders adopted the institution from the Islamic world simply because it served their purposes better.⁵⁰

The Byzantine governor's manual deals largely with jewelers and silk merchants and other matters connected with the aristocratic class, whereas hisba concerned itself with every social class. The manual, moreover, sets out rules restricting foreigners, Jews, and slaves, while our own hisba shows no such preference for one class over another, since all stand equal before its rulings, as before the rulings of Islam generally, as is well known.⁵¹ The differences here are clear, and the charge of borrowing appears unfounded. It is not unlikely that material in the Byzantine governor's manual was itself drawn from our own hisba system, which seems the more probable explanation, though one cannot rule

out the possibility that something resembling hisba existed among ancient peoples who had their own systems of market oversight, the Greeks among them. In any case, the difference between what is divinely ordained and what is purely a human arrangement remains very clear.⁵²

Nor is it surprising that some Islamic rulings should coincide with rulings found in other countries, even where no borrowing is involved, as argued above, since some degree of convergence is simply to be expected. The crucial difference remains that our hisba belongs to the religious sphere through which the happiness of human society is achieved, given that it is the divine Islamic method that directs and plans every branch and every sphere of human life, rather than human life imposing its own will upon it.

6. Signs of the Crusader West's Debt to the Islamic Hisba System

It is striking that the very researchers who sought to deny the originality of the Islamic hisba system are themselves the ones who acknowledge its influence on Crusader law. Nicola Ziadeh, in his book *Hisba and the Muhtasib*, observes that it may be worth noting that the Crusaders, during their occupation of the Holy Land and their establishment of the Latin kingdom in Palestine and the surrounding region, retained the office of muhtasib in the territories they seized. This point was first drawn to attention by al-Baz al-Arini in the third appendix to *Nihayat al-Rutba*, who reproduced the relevant texts in their original Old French from the book of the legal institutions of Jerusalem and then translated them into Arabic. The Arabic translation is reproduced here to illustrate the point as fully as possible.

The relevant text states that the council in question was to have a clerk learned in the duties and requirements of his office, known for sincerity, fairness, vigilance, and a reliable memory, and that the council was also to include another learned and knowledgeable man called the muhtasib, who served as chief of police, with a body of armed soldiers placed at the council's

disposal to carry out its various tasks under the authority of the deputy of the count who headed the council. This stands as strong evidence of the importance of, and the influence exerted by, the hisba institution, whether as reflected in these texts or in the conduct of rulers toward it.⁵³

Many other indications point to the European debt to Islamic institutions, hisba among them, which the Crusaders applied in full in their kingdom of Jerusalem and in their kingdom of Cyprus. They also borrowed the structure and general jurisdiction of the diwan al-mazalim, the office for hearing grievances, in dealing with all manner of disputes, a practice that Roger II later carried to Sicily, where he applied the same system of hearing grievances.⁵⁴

Levi Provençal likewise addressed this question in his History of Islamic Spain, observing that the clearest evidence of the importance of hisba is that whenever the Christian kings of Spain recovered a territory from Muslim rule, they kept the muhtasib in his post, coming to call him “almotacén,” the official entrusted with overseeing weights and measures. In the Maghreb, nothing better demonstrates the importance of hisba than its survival in Moroccan cities down to the present day.⁵⁵

6. CONCLUSION

Despite the intellectual disputes raised around this subject, particularly by orientalists, the hisba system remains a genuinely Islamic institution, distinctive in its expressions and deeply rooted in the spirit of the Islamic faith. For this reason, many nations drew on it, including some that for long decades stood opposed to and at war with the Islamic world, as was the case with the Christian principalities. Even so, the Arab and Islamic world remains in pressing need of embracing the values underlying this principle in our present reality, faced as it is with intellectual, political, and economic challenges, in order to move beyond underdevelopment and toward renewal across every field. In closing this study, the following conclusions can be drawn.

- The hisba system in Islam is one of the institutions of practical life aimed at preserving the foundations of religion and morality, with the muhtasib serving as the link between rulers and society.
- Hisba is a genuinely Islamic institution and a heritage that enriched systems of governance worldwide, one from which many nations benefited, the Western and Crusader nations foremost among them.
- Values bear directly on hisba in building and advancing civilizations, just as abandoning them remains among the chief sources of the weakness still burdening the Arab and Islamic world.
- Hisba is a religious office in Islam, comparable to leading prayer, judging, and waging jihad, and it carries great importance in safeguarding a society's values, institutions, customs, and morals.
- Hisba is a legitimate foundation of Islam, one whose aims and purposes vary according to the demands of circumstance and time, in service of the worldly and religious welfare of the people.

4. Bibliography List :

Primary Sources

The Holy Qur'an, Al 'Imran, verse 104.

The Holy Qur'an, Al-Anfal, verse 72.

Books

Ibn al-Athīr (1962), *Al-Kāmil fī al-Tārīkh*, vol. 5, Dār Sādir, Beirut.

Ibn al-'Adīm, Kamāl al-Dīn (n.d.), *Bughyat al-Ṭalab fī Tārīkh Ḥalab*, ed. Suhayl Zakkār, vol. 12, Dār al-Fikr.

Ibn Khaldūn, 'Abd al-Raḥmān (2001), *Muqaddimat Ibn Khaldūn*, rev. Suhayl Zakkār, Dār al-Fikr, Beirut.

Al-Maqqarī al-Tilimsānī, Aḥmad ibn Muḥammad (1988), *Nafḥ al-Ṭīb min Ghuṣn al-Andalus al-Rāṭib*, ed. Iḥsān 'Abbās, vol. 1, Dār Sādir, Beirut.

Al-Maqrīzī, Aḥmad ibn 'Alī ibn 'Abd al-Qādir (1997), *Al-Sulūk li-Ma'rifat Duwal al-Mulūk*, ed. Muḥammad 'Abd al-Qādir 'Aṭṭā, vol. 6, 1st ed., Dār al-Kutub al-'Ilmiyya, Beirut.

Al-Ṭabarī, Abū Ja'far Muḥammad ibn Jarīr (1967), *Tārīkh al-Umam wa al-Mulūk*, 2nd ed., Dār al-Ma'arif, Egypt.

Al-Qalqashandī (1987), *Subḥ al-Aʿshā*, ed. Yūsuf ʿAlī, 1st ed., Dār al-Fikr, Damascus.
Al-Ḥamadānī, Muḥammad ibn ʿAbd al-Malik (1958), *Takmilat Tārīkh al-Ṭabarī*, ed. Albert Yūsuf Kanʿān, 1st ed., al-Maṭbaʿa al-Kātūlikiyya, Beirut.
Al-Shayzārī, ʿAbd al-Raḥmān ibn Naṣr (1946), *Nihāyat al-Rutba fī Ṭalab al-Ḥisba*, Lajnat al-Taʿlīf wa al-Tarjama wa al-Nashr, Cairo.
Al-Māwardī (1989), *Al-Aḥkām al-Sulṭāniyya wa al-Wilāyāt al-Dīniyya*, ed. Aḥmad Mubārak al-Baghdādī, Dār Ibn Qutayba, Kuwait.
Ibn al-Jawzī (1987), *Manāqib Amīr al-Muʿminīn ʿUmar ibn al-Khaṭṭāb*, ed. ʿAbd al-Muʿtī Amīn Qalʿajī, Dār al-Jil, Beirut.
Ibn Khaldūn (2004), *Al-Muqaddima*, ed. ʿAbd Allāh Muḥammad al-Darwīsh, vol. 2, Dār Yaʿrub, Damascus.
Ibn Taymiyya (1992), *Al-Ḥisba fī al-Islām aw Waṣīfat al-Ḥukūma al-Islāmiyya*, ed. Muḥammad ʿAbd al-Razzāq Ḥamza, Dār al-Kutub al-ʿIlmiyya, Beirut.
Al-Qarāfi, Shihāb al-Dīn Aḥmad ibn Idrīs (n.d.), *Al-Furūq*, vol. 4, ʿAlam al-Kutub, Beirut.

References

Al-Sallābī, Muḥammad ʿAlī (2008), *Al-Dawla al-Umawiyya: ʿAwāmil al-Izdihār wa Tadāʾiyyāt al-Inhiyār*, vol. 1, 2nd ed., Dār al-Maʿrifa, Beirut.
ʿUbayd, ʿAbd al-ʿAzīz (1987), *Al-Tabarruj wa al-Ihtisāb ʿAlayhi*, Maktabat al-Ḥaramayn.
Al-Qāsimī, Zafer (1987), *Nizām al-Ḥukm fī al-Sharīʿa wa al-Tārīkh al-Islāmī: al-Kitāb al-Thānī, al-Sulṭa al-Qaḍāʾiyya*, 3rd ed., Dār al-

Nafāʿis, Beirut.

Lakhal, Mousa (1971), *Al-Ḥisba al-Madhhabiyya fī Bilād al-Maghrib al-ʿArabī: Nashʾatuhā wa Taṭawwuruhā*, 1st ed., al-Sharika al-Waṭaniyya li-l-Nashr wa al-Tawʿīz, Algeria.

Al-Naqqāsh, Zakī (n.d.), *Al-ʿAlāqāt al-Ijtimāʾiyya wa al-Thaqāfiyya wa al-Iqtisādiyya bayn al-ʿArab wa al-Faranj khilāl al-Ḥurūb al-Ṣalibiyya*, Dār al-Kitāb al-Lubnānī, Beirut.

Journal Articles

Ramdhan Mubark Bahi Eddin (2019), “Al-Ḥisba wa Athāruhā fī Taʿzīz al-Qiyam al-Ḥaḍāriyya,” *Majallat Kulliyat al-Adāb*, Benha University, no. 52.

Kartali, Amine (2024), “Nizām al-Ḥisba Maḥzar min Maḥāhir Waqīʾiyyat al-Ḥaḍāra al-Islāmiyya wa Buʿdihā al-Insānī,” *Qabas Journal for Human and Social Studies*, vol. 8, no. 2.

Theses and Dissertations

Ibn Murshid, ʿAbd al-ʿAzīz ibn Muḥammad (1996), *Nizām al-Ḥisba fī al-Islām: Dirāsa Muqārana*, master’s thesis, Imam Muḥammad ibn Saud Islamic University, Higher Institute of the Judiciary.

Internet Websites

Ḥamdī, ʿAbd al-Munʿim (2025), *Taʾaththur al-Urūbbiyyīn bi-l-Nuḥūm al-Islāmiyya Ibbān al-Ḥurūb al-Ṣalibiyya*, available at: <https://www.alukah.net/culture/0/71268D8> (accessed 20 March 2025, 16:16).

Referrals And References

Majallat Kulliyat al-Adab, Benha University, no. 52, October 2019, p. 113.

¹⁰Muhammad ibn Abd al-Malik al-Hamadani, *Takmilat Tarikh al-Tabari*, ed. Albert Yusuf Kanʿan, 1st ed., al-Matbaʿa al-Katulikiyya, Beirut, 1958, p. 21.

¹¹Amine Kartali, “Nizam al-Hisba Mazhar min Mazahir Waqiʾiyyat al-Hadara al-Islamiyya wa Buʿdihā al-Insani,” *Qabas Journal for Human and Social Studies*, vol. 8, no. 2, December 2024, p. 292.

¹²Zafer al-Qasimi, op. cit., p. 590.

¹³Al-Tabari, *Tarikh al-Umam wa al-Muluk*, Dar al-Maʿarif, Riyadh, p. 578.

¹⁴Ali Muhammad al-Sallabi, *Al-Dawla al-Umawiyya: Awamil al-Izdihar wa Tadaʾiyat al-*

¹Hamad Kamal al-Din Imam. *The Principles of Hisbah in Islam: A Comparative Foundational Study*. 1st ed. Cairo: Dar al-Hidaya, 1986, pp. 13–14.

²Muhammad Kamal al-Din Imam, op. cit., p. 14.

³Zafer al-Qasimi, *Nizam al-Hukm fi al-Shariʿa wa al-Tarikh al-Islami: al-Kitab al-Thani, al-Sulta al-Qadaʾiyya*, Dar al-Nafaʿis, 3rd ed., Beirut, 1987, p. 588.

⁴Al Imran, verse 104.

⁵Al-Anfal, verse 72.

⁶Zafer al-Qasimi, op. cit., p. 389.

⁷Al-Qalqashandi, *Subh al-Aʿsha*, ed. Yusuf Ali, Dar al-Fikr, Damascus, 1987, p. 37.

⁸Abd al-Aziz Ubayd, *Al-Tabarruj wa al-Ihtisab Alayhi*, Maktabat al-Haramayn, 1987, p. 38.

⁹Mabruk Bahi al-Din Ramadan, “Al-Hisba wa Atharuha fi Taʿziz al-Qiyam al-Hadariyya,”

Inhiyar, vol. 1, Dar al-Ma'rifa, 2nd ed., Beirut, 2008, p. 315.

¹⁵Al-Tabari, op. cit., p. 480.

¹⁶Abd al-Rahman ibn Nasr al-Shayzari, Nihayat al-Rutba fi Talab al-Hisba, Lajnat al-Ta'lif wa al-Tarjama wa al-Nashr, Cairo, 1946, p. 78.

¹⁷Al-Shayzari, op. cit., p. 158.

¹⁸Amine Kartali, op. cit., p. 292.

¹⁹Ibn al-Athir, Al-Kamil fi al-Tarikh, vol. 5, Dar Sadir, Beirut, 1962, p. 316.

²⁰Musa Lakhal, Al-Hisba al-Madhabbiyya fi Bilad al-Maghrib, 1st ed., al-Sharika al-Wataniyya li-l-Nashr wa al-Tawzi', Algeria, p. 29.

²¹Ibid., p. 30.

²²Ahmad ibn Muhammad al-Maqqari al-Tilimsani, Nafh al-Tib min Ghush al-Andalus al-Ratib, ed. Ihsan Abbas, Dar Sadir, Beirut, 1988, vol. 1, p. 219.

²³Ibid., p. 220.

²⁴Ahmad ibn Ali ibn Abd al-Qadir al-Maqrizi, Al-Suluk li-Ma'rifat Duwal al-Muluk, ed. Muhammad ibn Abd al-Qadir Atta, vol. 6, Dar al-Kutub al-Ilmiyya, 1st ed., Beirut, 1997, pp. 495-496.

²⁵Kamal al-Din Ibn al-Adim, Bughyat al-Talab fi Tarikh Halab, vol. 12, ed. Suhayl Zakkar, 1st ed., Dar al-Fikr, n.d., p. 84.

²⁶Al-Tabari, Tarikh al-Rusul wa al-Muluk, ed. Muhammad Abu al-Fadl Ibrahim, Dar al-Ma'arif, Cairo, 1967, vol. 7, p. 472.

²⁷Abd al-Aziz ibn Muhammad Ibn Murshid, Nizam al-Hisba fi al-Islam: Dirasa Muqarana, master's thesis, Imam Muhammad ibn Saud Islamic University, Higher Institute of the Judiciary, academic year 1996, p. 22.

²⁸Al-Mawardi, Al-Ahkam al-Sultaniyya wa al-Wilayat al-Diniyya, ed. Ahmad Mubarak al-Baghdadi, Dar Ibn Qutayba, Kuwait, 1989, p. 351.

²⁹Ibn al-Jawzi, Manaqib Amir al-Mu'minin Umar ibn al-Khattab, ed. Abd al-Mu'ti Amin Qal'aji, Dar al-Jil, Beirut, 1987, p. 120.

³⁰Ibn Khaldun, Al-Muqaddima, ed. Abd Allah Muhammad al-Darwish, Dar Ya'rub, Damascus, 2004, vol. 2, pp. 465-466.

³¹Abd al-Aziz ibn Muhammad Ibn Murshid, op. cit., p. 355.

³²Zafer al-Qasimi, op. cit., p. 609.

³³Zafer al-Qasimi, op. cit., pp. 614-615.

³⁴Ibid., p. 615.

³⁵Abd al-Rahman Ibn Khaldun, Muqaddimat Ibn Khaldun, rev. Suhayl Zakkar, Dar al-Fikr, Beirut, 2001, pp. 280-281.

³⁶The orientalist Gustave von Grunebaum, born 1909, of Austrian origin, author of numerous works, among them the book translated by Professor Abd al-Aziz Tawfiq under the title Hadarat al-Islam (Islam in the medieval period).

³⁷"Al-Hisba fi al-Islam," Da'wat al-Haqq journal, nos. 164-165.

³⁸Abd al-Aziz ibn Muhammad Ibn Murshid, op. cit., p. 22.

³⁹Abd al-Aziz ibn Muhammad Ibn Murshid, op. cit., p. 23.

⁴⁰Musa Lakhal, Al-Hisba al-Madhabbiyya fi Bilad al-Maghrib al-Arabi: Nash'atuha wa Tatawwuruha, 1st ed., al-Sharika al-Wataniyya li-l-Nashr wa al-Tawzi', Algeria, 1971, p. 22.

⁴¹Zaki al-Naqqash, Al-Alaqa al-Ijtima'iyya wa al-Thaqafiyya bayn al-Arab wa al-Faraj khilal al-Hurub al-Salibiyya, Dar al-Kitab al-Lubnani, Beirut, n.d., p. 157.

⁴²Abd al-Aziz ibn Muhammad Ibn Murshid, op. cit., p. 23.

⁴³Abd al-Aziz ibn Muhammad Ibn Murshid, op. cit., p. 23.

⁴⁴Zafer al-Qasimi, op. cit., p. 610.

⁴⁵Ibid., p. 611.

⁴⁶Abd al-Aziz ibn Muhammad Ibn Murshid, op. cit., p. 23.

⁴⁷Zafer al-Qasimi, op. cit., p. 615.

⁴⁸Ibn Taymiyya, Al-Hisba fi al-Islam aw Wazifat al-Hukuma al-Islamiyya, ed. Muhammad Abd al-Razzaq Hamza, Dar al-Kutub al-Ilmiyya, Beirut, 1992, pp. 11-15.

⁴⁹Amine Kartali, op. cit., p. 290.

⁵⁰Zafer al-Qasimi, op. cit., pp. 615-616.

⁵¹Al-Mawardi, Abu al-Hasan Ali ibn Muhammad, Al-Ahkam al-Sultaniyya wa al-Wilayat al-Diniyya, ed. Ahmad Mubarak al-Baghdadi, Maktabat Dar Ibn Qutayba, Kuwait, 1989, pp. 351-357.

⁵²Al-Qarafi, Shihab al-Din Ahmad ibn Idris, Al-Furuq, Alam al-Kutub, Beirut, n.d., vol. 4, pp. 182-183.

⁵³Zafer al-Qasimi, op. cit., p. 613.

⁵⁴Abd al-Mun'im Hamdi, Ta'aththur al-Urubbiyyin bi-l-Nuzum al-Islamiyya Ibban al-Hurub al-Salibiyya, available at: <https://www.alukah.net/culture/0/71268D8> (consulted on 20 March 2025 at 16:16).

⁵⁵Zafer al-Qasimi, op. cit., p. 612.